

ARTICLE X

OFFICE OF THE INSPECTOR GENERAL

§ 1. Office of Inspector General: Office Established.

There is an Office of the Inspector General, the head of which is the Inspector General.

(Res. 18-008, ratified Nov. 6, 2018.)

§ 2. Office of Inspector General: The Inspector General.

(a) In general.

(1) The Inspector General is appointed by an advisory board to be comprised of 11 members as provided in this section.

(2) The advisory board is entitle to the assistance of the Baltimore City Department of Human Resources for purposes of advertising a vacancy and interviewing and hiring candidates for the position of Inspector General.

(3) The Mayor must provide the advisory board with access to City resources to facilitate the advisory board's completion of its responsibilities.

(b) Qualifications.

An individual is qualified to serve as a member of the advisory board if the individual:

(1) is a Baltimore City resident;

(2) is over the age of 21 years old;

(3) has never been convicted of an offense under Section 16-201(a)(5) or (6) of the State Election Law Article; and

(4) has a background in, or familiarity with, ethics, law, program or performance evaluation, or accounting or has a familiarity with the Office of the Inspector General and the duties of the Office.

(c) Eligibility.

In addition to the required qualifications in subsection (b) of this section, an applicant is not eligible for appointment to the advisory board if the individual:

(1) is or becomes an employee or elected officer of:

(i) the State of Maryland;

(ii) the City of Baltimore;

(iii) any State or City agency, instrumentality, or any other unit of a State entity except:

(A) a State college;

(B) a State university; or

(C) another institution of higher education;

(2) is or becomes a candidate for elected public office of:

(i) the State of Maryland;

(ii) the City of Baltimore; or

(iii) any county or municipality of the State.

(3) is or becomes an elected municipal officer's:

(i) spouse;

(ii) parent;

(iii) child; or

(iv) sibling;

(4) is or becomes a responsible officer, as defined in Section 1-101(mm) of the State Election Law Article;

(5) is or becomes employed by the City of Baltimore or the State of Maryland in any capacity;

(6) is or becomes a lobbyist under:

(i) the State General Provisions Article, Title 5 {"Maryland Public Ethics Law"};

(ii) Article 8, Subtitle 8 {"Lobbying"} of the City Code; or

(iii) the ethics code of any political subdivision of the State; or

(7) is or becomes associated with a business entity as described in Article 8, Section 6-6 {"Prohibited participation"} of the City Code.

(d) Nomination process: In general.

(1) An individual who meets the requirements set forth in subsections (b) and (c) of this section may submit an application to the member of the City

Council who represents the district in which the individual resides, in the form required by the Board of Ethics.

(2) Each member of the City Council must:

- (i) review the applications received pursuant to paragraph (1) of this subsection; and
- (ii) select 1 applicant as the nominee to the advisory board from that member's district.

(e) Nomination process: Diversity.

(1) The membership of the advisory board must be inclusive and reflect the racial and gender diversity of the City of Baltimore.

(2) A member of the City Council must give reasonable consideration to the diversity of the member's district when selecting a nominee to the advisory board.

(f) Nomination process: Final appointments.

(1) Final random selections to the advisory board must be made by the Chair of the Board of Ethics, pursuant to Article VII, Section 110 of this Charter.

(2) 7 of the 11 members of the advisory board must be randomly selected by the Chair of the Board of Ethics on the following basis:

- (i) 1 member from among the 2 nominees submitted from City Council districts 1 and 2;
- (ii) 1 member from among the 2 nominees submitted from City Council districts 3 and 4;
- (iii) 1 member from among the 2 nominees submitted from City Council districts 5 and 6;
- (iv) 1 member from among the 2 nominees submitted from City Council districts 7 and 8;
- (v) 1 member from among the 2 nominees submitted from City Council districts 9 and 10;
- (vi) 1 member from among the 2 nominees submitted from City Council Districts 11 and 12; and
- (vii) 1 member from among the 2 nominees submitted from City Council districts 13 and 14.

(3) The remaining 4 members shall consist of:

(i) 1 member of the Association of Certified Fraud Examiners, selected by the Board of Regents of the Association of Certified Fraud Examiners;

(ii) 1 member of the Maryland Association of Certified Public Accountants, selected by the Board of Directors of the Maryland Association of Certified Public Accountants;

(iii) the Dean of the University of Maryland School of Law or the Dean's designee; and

(iv) the Dean of the University of Baltimore School of Law, or the Dean's designee.

(4) The 4 members of the advisory board selected pursuant to paragraph (3) of this subsection must also comply with all eligibility and qualification requirements for advisory board members outlined in this subsection.

(g) Term of members.

(1) The terms of the members of the advisory board must be staggered and may not be coterminous with the Mayor's term of office.

(2) Of the initial 11 appointments to the advisory board:

(i) the members appointed pursuant to paragraphs (2)(v) and (3) of Subsection (f) of this section must each serve a term of 3 years; and

(ii) the remaining members must each serve a term of 4 years.

(3) After the initial terms of the advisory board members have expired, a member of the advisory board shall serve a term of 4 years.

(4) The term required by paragraph (2)(i) of this subsection shall be considered a full term for the purposes of the term limits established in Article IV, Section 6(e) of this Charter.

(5) No member of the advisory board may serve more than 2 consecutive full terms.

(h) Removal of advisory board member.

A member of the advisory board may be removed for cause by a vote of the majority of the members of the advisory board.

(i) Vacancies.

The Chair of the Board of Ethics shall select at random a member from the nominations submitted at the outset of that particular position's term.

(j) Procedures.

(1) A quorum of the advisory board consists of 6 members.

(2) The advisory board shall elect a chair from the membership of the advisory board.

(3) An affirmative vote of at least 6 members shall be necessary to appoint an Inspector General.

(k) Required training.

Prior to beginning their duties, the members of the advisory board shall attend a training session, to be provided by the Office of the Inspector General, that details:

(1) the rules governing the advisory board; and

(2) the rules governing and duties of the Inspector General.

(l) Annual overview.

The advisory board shall appear before the City Council at least once a year to provide the City Council with an overview of the activities of the advisory board and the Office of the Inspector General.

(Res. 22-004, ratified Nov. 8, 2022.)

§ 3. Office of Inspector General: The Inspector General.

(a) Qualifications.

(1) The Inspector General shall be appointed without regard to political affiliation and must have substantial experience in auditing, financial analysis, criminal justice law, management analysis, public administration, investigations, or another appropriate field.

(2) The Inspector General shall hold at the time of appointment, or be required to obtain within 7 months after appointment, certification as a Certified Inspector General.

(b) Term.

The Inspector General shall serve a term of 6 years commencing from the date of appointment.

(c) Removal.

The Inspector General may be removed from office by an affirmative vote of a majority of the members of the advisory board for:

- (1) misconduct in office;
- (2) persistent failure to perform the duties of office; or
- (3) conduct prejudicial to the proper administration of justice.

(d) Reports concerning a vacancy or incapacity.

Whenever the Office of the Inspector general remains vacant for 180 days, or whenever the Inspector General is incapacitated or otherwise unable to perform the duties of the office for 180 days, the Chair of the advisory board shall issue a report to the City Council on the 180th day, and every 2 months thereafter until the vacancy is filled or the Inspector General reports to work, describing the status of the efforts to fill the vacancy or the status of the Absent Inspector General.

(e) Performance review.

The advisory board shall meet at least once annually to review the performance of the Inspector General.

(Res. 18-008, ratified Nov. 6, 2018; Res. 22-004, ratified Nov. 8, 2022.)

§ 4. Office of Inspector General: Powers and Duties.

(a) IG as head of Office.

The Inspector General shall supervise and direct the Office of the Inspector General.

(b) Responsibilities of Office.

The Office of the Inspector General is responsible for:

- (1) investigating complaints of fraud, financial waste, and abuse in City government; and
- (2) promoting efficiency, accountability, and integrity in City government.

(c) Jurisdiction of Office.

The Office of the Inspector General may investigate allegations that involve City government and potential violations of laws or regulations by any:

- (1) City elected official;
- (2) City employee;

- (3) member of a board or commission established or governed by the City Charter, City Code, or an executive order issued by the Mayor;
- (4) City contractor or person negotiating a contract with the City;
- (5) person seeking certification to provide goods or services to the City; or
- (6) external recipient of City funds, benefits, or services.

(d) Issuing subpoenas.

- (1) To perform the duties of office, the Inspector General may issue a subpoena to require:
 - (i) any person to appear under oath as a witness; or
 - (ii) the production of any information, document, report, record, account, or other material.
- (2) The Inspector General may enforce any subpoena issued pursuant to this subsection in any court of competent jurisdiction.

(e) Police Powers

The Inspector General shall have the power to:

- (1) Conduct arrests for violations of City, State, or Federal laws within its jurisdiction;
- (2) File criminal charges with the appropriate judicial or prosecutorial authority; and
- (3) Conduct searches and seizures pursuant to warrants issued by a court of competent jurisdiction.
 - (i) All law enforcement powers of the OIG shall be exercised in accordance with applicable law and subject to oversight by the judiciary.

(f) Prosecution Coordination

- (1) The Inspector General may refer cases for prosecution to the State's Attorney, Maryland Attorney General, or U.S. Attorney, as appropriate.
- (2) In cases where such referrals are declined, the OIG may independently prosecute cases through its legal staff or special counsel.

(g) Dismissal and Discipline Powers

(1) The Inspector General shall have direct authority to recommend or enforce the dismissal, suspension, or other disciplinary action of any City employee or contractor found to have engaged in misconduct, fraud, or corruption.

(2) Recommendations for dismissal or disciplinary action shall be binding unless overturned by a court or appellate body. The Mayor and City Council shall develop a contestation process.

(h) Audit and Oversight Functions

(1) The Inspector General shall have authority to conduct performance audits of all City departments and programs, ensuring compliance with laws, policies, and ethical standards.

(2) Findings from audits shall be made publicly available, except where disclosure would compromise ongoing investigations or sensitive operations.

[(e)] (i) *Annual report.*

(1) The Office of the Inspector General shall prepare and publish an annual report of the Office's activities.

(2) The annual report may include recommendations regarding program weakness, contracting irregularities, or other institutional problems discovered by the Office.

(3) The annual report shall be:

(i) submitted to all of the members of the advisory board; and

(ii) after any redactions required by law, posted on the Office of the Inspector General's website.

(4) The annual report shall contain

(i) The number and type of investigations conducted;

(ii) Enforcement actions taken, including arrests, charges, and disciplinary measures; and

(iii) Financial recoveries resulting from investigations and audits.

(iv) The annual report shall be made publicly available.

(Res. 18-008, ratified Nov. 6, 2018; Res. 22-004, ratified Nov. 8, 2022.)

§ 5. Office of Inspector General: Budget.

(a) IG to prepare proposed budget.

The Inspector General shall formulate and prepare annually, or as frequently as required by law, a proposed budget to fund the operations of the Office and shall transmit the proposed budget to the advisory board for its review.

(b) Advisory board to approve or revise.

(1) The advisory board shall meet to review the proposed budget submitted by the Inspector General for the purpose of assessing and determining whether, in the judgement of the advisory board, the proposed budget provides sufficient funding to meet the duties of the Office.

(2) The advisory board shall, by an affirmative vote of at least 4 of its members, either:

(i) approve the proposed budget as submitted; or

(ii) revise the proposed budget if the advisory board disagrees with the substance of any item contained in the proposed budget, including estimates of need and amounts of requested funding.

(c) Submission.

(1) The budget approved by the advisory board pursuant to subsection (b) of this section shall be the Office budget the advisory board recommends to the Board of Estimates.

(2) The advisory board, on behalf of the Office of the Inspector General, shall submit the recommended budget to the Board of Estimates in a timely manner in order for the recommended budget to be considered for inclusion in the Ordinance of Estimates.

(d) Funding.

The Office of the Inspector General shall be funded annually in the Ordinance of Estimates.

(Res. 18-008, ratified Nov. 6, 2018; Res. 22-004, ratified Nov. 8, 2022.)

§ 6. Office of Inspector General: Administration and Operation.

(a) Staff.

The Inspector General may appoint such other employees to assist in the conduct of the Office as may be provided in the Ordinance of Estimates.

(b) Deputy Inspector General.

The Inspector General shall appoint a Deputy Inspector General, who shall serve as the Acting Inspector General if the Inspector General is absent or unavailable for duty.

(c) Administrative and operational procedures.

The administrative and operational procedures of the Office may be established by law or by rule or regulation adopted by the Inspector General.

(d) Law Enforcement Officers

(i) The Inspector General shall be staffed with law enforcement officers authorized to conduct arrests, investigations, and enforcement actions.

(ii) Law enforcement officers sworn under the Office of Inspector General shall have the same powers and privileges sworn police officers in the Police Department.

(Res. 18-008, ratified Nov. 6, 2018; Res. 22-004, ratified Nov. 8, 2022.)

§ 7. Office of Inspector General: Transition Provisions.

(a) Incumbent Inspector General.

The individual holding the position of Inspector General of the City of Baltimore in the Law Department on November 6, 2018, will assume the position of Inspector General created by this Article on the date this Article goes into effect.

(b) Initial term .

The 6 year term of the Inspector General who assumes office under the provisions of this Article runs from the effective date of this Article.

(Res. 18-008, ratified Nov. 6, 2018; Res. 22-004, ratified Nov. 8, 2022.)